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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/980,952	03/18/2002	Ryuji Ishiguro	SONYJP-161	1747
530 7590 12/21/2007 LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK 600 SOUTH AVENUE WEST WESTFIELD, NJ 07090			EXAMINER LIPMAN, JACOB	
			ART UNIT 2134	PAPER NUMBER
			MAIL DATE 12/21/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

09/980,952

Applicant(s)

ISHIGURO ET AL.

Examiner

Jacob Lipman

Art Unit

2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 10/15/07.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 40-51 and 68-79 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 40-51 and 68-79 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 40-51 and 68-79 are rejected under 35 U.S.C. 102(b) as being anticipated by Maruyama, in JP 11-187013-A. Citations of Maruyama in this rejection will be taken from the English translation provided.

With regard to claims 40, 47, 68, 73, 75, Maruyama discloses a device for use in an information processing system that distributes encrypted message data (pages 9-10 par. [0004], page 20 par. [0020]), the device including, a receiver (page 9 par. [03]) for receiving the encrypted message data and an enabling key block, the EKB including encrypted keys (page 13 lines 27-34) and a tag (key list, page 14 par. [10]), the encrypted keys including at least one renewed key (page 13 lines 12-14) and the tag including position discrimination data that associates each of the encrypted keys with nodes and leaves of a hierarchical tree structure (page 13 lines 1-11), a memory for storing a key set, the key set including at least one key corresponding to a node or leaf of the hierarchical tree structure (page 13); and an encryption processor operable to (a) decrypt the encrypted keys of the received EKB using the stored key set and the position discrimination data of the received EKB to recover the at least one renewed key (page 13 lines 27-36) and (b) decrypt the received encrypted message (content) using

the at least one recovered renewed key (page 20 par. [0020]). The EKB only comprises key corresponding to a node of a simplified tree structure (page 13 lines 12-25) that only updates needed keys in which the intermediary keys are not present (page 21 par. [0021]).

With regard to claims 41, 69, and 74, Maruyama discloses encrypting the new key with the old key (page 4 step 740, page 19 par. [0018]).

With regard to claims 42-45 and 70-72, Maruyama discloses the EKB only comprises key corresponding to a node of a simplified tree structure (page 13 lines 12-25) that only updates needed keys (page 21 par. [0021]).

With regard to claim 46, Maruyama discloses having not less than tree branches connecting the top node with terminal nodes (page 25, [Fig 5]).

With regard to claims 48-51 and 76-79, Maruyama discloses that the block is sent, the block itself reads on a message, and the receiver needs the previous key block to decrypt this message, including keys.

### ***Response to Arguments***

3. Applicant's arguments filed 15 October 2007 have been fully considered but they are not persuasive.

Applicant argues that by amending the term removing to not including, Maruyama no longer reads on the claims. The examiner points out that Maruyama discloses removing nodes from the selected simplified tree, and thus those nodes are not included.

### ***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacob Lipman whose telephone number is 571-272-3837. The examiner can normally be reached on M-Fr.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Zand can be reached on 571-272-3811. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JL

Handwritten signature of Jacob Lipman, consisting of a stylized 'J' followed by 'Lipman'.